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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,293	10/06/2004	Anders Helmner	77191.21900	6475
30734 7590 02/14/2007 BAKER & HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			EXAMINER GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/510,293	Applicant(s) HELMNER, ANDERS	
	Examiner Charles N. Greenhut	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6-20,22 and 30-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,21 and 23-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/25/06, 10/6/04 (2)</u> . | 6) <input type="checkbox"/> Other: _____ |

I Election/Restriction

1. Applicant's election with traverse of the election/restriction in the reply filed on 12/6/06 is acknowledged. The traversal is on the ground(s) that Examination of claims 1-60 would not impose a serious burden on the Examiner. This is not found persuasive because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
2. The requirement is still deemed proper and is therefore made FINAL.

II Claim Objections

1. Claims 8-9 are objected to because they depend on a non-elected claim, accordingly, these claims have been withdrawn from consideration.
2. With respect to claim(s) 24, the phrase, "wherein the overlap range with said external conveyor organ an outrigger is linked to said intermediate conveyor means" requires grammatical correction.
3. With respect to claim(s) 26, the phrase, "capable of being pivoted about an axis transversely to the conveying direction" requires grammatical correction.

III Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 2, 5, 21, and 23-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - 1.1. Regarding claims 1, 21, 23, 27 and 29, the phrases "preferably" and "such as" render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
 - 1.2. With respect to claim(s) 1 and 21, Applicant indicates that the claim is directed to the subcombination of "a system for loading and unloading loose cargo in a cargo hold" in the preamble. However, Applicant recites limitations directed to the combination of the system with a cargo hold, e.g., "transport means covering the area of the floor of the cargo hold" and "said transport means reaching into the range of the cargo hold opening" in the claim. This renders the claim unclear because it cannot be determined whether Applicant is attempting to claim subcombination of a system intended for loading and unloading cargo or the combination of the system and a cargo hold.

- 1.3. Claim 1 and 21 recites the terms, "the area," "the floor," "the inner end," "the front end," "the range," "the cargo hold opening," "the fuselage," "the tarmac" "the plane-side end," "said external conveyor organ," all of which lack antecedent basis.
- 1.4. Claim 1 and 21 recites limitations directed toward the plane, (e.g., "the outside of the plane," "the longitudinal axis of the plane") while including the plane only in the alternative. These limitations, therefore lack proper antecedent basis.
- 1.5. With respect to claim(s) 1 and 21, it is unclear if the subsequent conveyance in the longitudinal direction and deposit on the transport means must be carried out by the intermediate conveyor
- 1.6. Claim 2 recites the term "purposely." It is unclear how it can be determined whether an act was done purposely. This term therefore renders the scope of the claim indefinite.
- 1.7. With respect to claim(s) 2, it is unclear what "there" refers to in line 3.
- 1.8. Claim 8 recites, "the end located inside the plane's fuselage." There is insufficient antecedent basis for this limitation.
- 1.9. With respect to claim(s) 21 it is unclear what is meant by the phrase, "out into the plane of the cargo hold opening"
- 1.10. With respect to claim(s) 23, it is unclear what is meant by the phrase, "the overlap range." Additionally, this phrase lacks antecedent basis.
- 1.11. With respect to claim(s) 23, it is unclear what is meant by "the end range thereof." Additionally, this phrase lacks antecedent basis.
- 1.12. With respect to claim(s) 24, it is unclear what is meant by the phrase, "supported by its end facing away from said intermediate conveyor means." Additionally, "its end facing away from said intermediate conveyor means" lacks antecedent basis.
- 1.13. With respect to claim(s) 24, it is unclear what is meant by the phrase, "by means of an articulation linked there."
- 1.14. With respect to claim(s) 24, it is unclear what is, "against a sliding rail"
- 1.15. With respect to claim(s) 24, "the longitudinal direction of said external conveyor organ" is not defined and lacks antecedent basis
- 1.16. With respect to claim(s) 24, it is unclear what the term "the latter" refers to.
- 1.17. With respect to claim(s) 25, "the end of said intermediate conveyor means facing the front end of said transport means" and "the beginning" lack antecedent basis.
- 1.18. With respect to claim(s) 29, the term "lightweight" is a term of degree which renders the claim indefinite.

IV Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3652

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-2, 5, and 21-29 is/are rejected under 35 U.S.C. 102(b) as being anticipated by SHAW (US 3,356,236 A).

1.1. With respect to claim(s) 1-2, 5, and 21-29, as best understood by examiner, SHAW discloses a transport carpet (14/24), inside the fuselage (10), conveyor organ (18), and intermediate conveyor (22), including a sliding element/outrigger (98), adjustable in height (Fig. 2), may pivoted about an axis (cf. Fig. 1-2) about an angular range of $\pm 30^\circ$ relative to the conveying direction of the external conveyor organ (18), oriented at a predetermined angle of inclination with the angle of inclination of the external conveyor organ (18) and manufactured of lightweight materials.

V Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 6:30am - 3:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached at (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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